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FISCAL IMPACT STATEMENT

LS 7435

BILL NUMBER: HB 1432

NOTE PREPARED: Apr 5, 2011

BILL AMENDED: Apr 5, 2011

SUBJECT: Disposition of Human Remains.

FIRST AUTHOR: Rep. GiaQuinta

FIRST SPONSOR: Sen. Bray

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: No Fiscal Impact

Summary of Legislation: (Amended) This bill provides that a court may authorize the removal of the remains of a deceased human from a cemetery for certain purposes if the: (1) consent of the owner of the cemetery cannot be obtained; or (2) identity of certain individuals from whom consent is required cannot be determined.

This bill also makes changes to the priority of individuals who may determine the final disposition of the remains of a decedent. It provides that if a person does not exercise a right to determine final disposition within 72 hours of notification of the death of the decedent, the person forfeits the person's right to determine the final disposition of the decedent, and the right to determine final disposition passes to the next person listed in priority.

The bill allows a crematory, cemetery, or funeral home that agrees to shelter the remains of a decedent while parties are in dispute as to the final disposition of the decedent to collect fees for storing the remains of the decedent. It also requires that certain causes of action must be filed in the county where the decedent was a resident.

The bill provides that a cemetery or funeral home that relies in good faith on a signed authorization for the cremation, interment, entombment, or inurnment of human remains is not liable for carrying out the disposition of the decedent in accordance with the instructions in the authorization. (Current law provides cemetery owners immunity for making a final disposition under a written authorization unless the cemetery owner has actual notice that the authorization is untrue.)

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures:

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected:

Information Sources:

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